

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM D. TURNER,

No. 4:18-CV-00361

Plaintiff,

(Chief Judge Brann)

v.

(Magistrate Judge Saporito)

CORRECTION CARE SOLUTION, *et al.*,

Defendants.

**ORDER**

**SEPTEMBER 28, 2021**

William D. Turner filed this amended 42 U.S.C. § 1983 complaint alleging that Defendants violated his Eighth and Fourteenth Amendment rights by denying him adequate medical care with respect to his Hepatitis C.<sup>1</sup> Several defendants were previously dismissed from this action after the Court adopted in part an earlier Report and Recommendation and granted in part two motions to dismiss.<sup>2</sup>

The remaining defendants thereafter filed motions for summary judgment, and Turner filed a motion for a preliminary injunction.<sup>3</sup> Magistrate Judge Joseph F. Saporito, Jr., has issued a Report and Recommendation recommending that this Court deny as moot Turner's motion for a preliminary injunction, dismiss claims

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<sup>1</sup> Doc. 46. Turner amended his complaint after this Court dismissed his first complaint for failure to state a claim. (Doc. 41).

<sup>2</sup> Doc. 79.

<sup>3</sup> Docs. 95, 98, 103.

against Ma Kuren and deny as moot Kuren's motion for summary judgment, and grant Defendants Correction Care Solution, Tony Ianuzzi, Haresh Pandya's motion for summary judgment.<sup>4</sup>

After receiving an extension of time, Turner filed timely objections to the Report and Recommendation, and objects to certain portions of Magistrate Judge Saporito's Report and Recommendation.<sup>5</sup> Where no objection is made to a specific portion of a report and recommendation, this Court will review that portion only for clear error.<sup>6</sup> Conversely, “[i]f a party objects timely to a magistrate judge’s report and recommendation, the district court must ‘make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’”<sup>7</sup> Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge’s findings or recommendations.<sup>8</sup> Having reviewed the record, the Court finds no error in Magistrate Judge Saporito’s thorough Report and Recommendation. Accordingly,

**IT IS HEREBY ORDERED** that:

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<sup>4</sup> Doc. 138.

<sup>5</sup> Doc. 141.

<sup>6</sup> Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

<sup>7</sup> *Equal Emp’t Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)).

<sup>8</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.

1. Magistrate Judge Joseph F. Saporito, Jr.'s Report and Recommendation (Doc. 138) is **ADOPTED**;
2. Turner's motion for a preliminary injunction (Doc. 103) is **DENIED** as moot;
3. Turner's claims for declaratory and injunctive relief are **DISMISSED**;
4. Turner's Fourteenth Amendment substantive due process claim is **DISMISSED**;
5. Turner's claims against Defendant Ma Kuren are **DISMISSED** for misjoinder and Turner's request to file a second amended complaint to substitute Mary-Joy Monsalud in Kuren's place is **DENIED** as futile;
6. Kuren's motion for summary judgment (Doc. 98) is **DENIED** as moot;
7. Defendants Pandya, Ianuzzi, and Correction Care Solution's motion for summary judgment (Doc. 95) is **GRANTED** as to Turner's Fourteenth Amendment equal protection claim and Eighth Amendment deliberate indifference claim;
8. The Court **DECLINES** to exercise supplemental jurisdiction over Turner's state law claims, and **REMANDS** those claims to

the Court of Common Pleas of Schuylkill County, Pennsylvania;

and

9. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann  
Chief United States District Judge